

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31808 of 2020**

Arising Out of PS. Case No.-123 Year-2020 Thana- BANIAPUR District- Saran

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Dharmendra Chourasia aged about 24 years (male) son of Kanhaiya Bhagat
R/O Village - Lauwa Kala Tedhighat, P.S. - Baniyapur, District - Saran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Krishna Kant Singh, Advocate
For the State	:	Mr. Md. Arif, APP

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**CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT**

Date : 09-12-2020

The matter has been heard via video conferencing due to circumstances prevailing on account of the COVID-19 pandemic.

2. Heard Mr. Krishna Kant Singh, learned counsel for the petitioner and Mr. Md. Arif, learned Additional Public Prosecutor (hereinafter referred to as the 'APP') for the State.

3. The petitioner is in custody in connection with Baniyapur PS Case No. 123 of 2020 dated 15.05.2020, instituted under Section 30(a) of the Bihar Prohibition and Excise Act (hereinafter referred to as the 'Act').

4. The allegation against the petitioner is that 20 packets of 5 litres each of countrymade liquor which was recovered from a field was of the petitioner who on seeing the police party had fled away and the local chowkidar had identified him.



5. Learned counsel for the petitioner submitted that neither the petitioner has been caught nor there has been any recovery from his house. It was submitted that though there are two other cases in which the petitioner is accused but one is under Sections 302/34 of the Indian Penal Code of the year 2016 and the other is Baniyapur PS Case No. 122 of 2020 which was instituted on 14.05.2020 i.e., just one day prior to the present case, also under Section 30(a) of the Act. Learned counsel submitted that because a day earlier he had already been falsely implicated by the SHO, in the present case on the very day his name has been introduced, despite being totally innocent. Learned counsel submitted that the petitioner was taken into custody in the other case on 31.07.2020 and in the present case has been remanded on 27.08.2020.

6. Learned APP submitted that the petitioner has been named as the person to whom the recovered liquor belonged and had fled away when the police came and was identified by the chowkidar. However, he did not controvert that there is no recovery from his house.

7. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, let the petitioner be released on bail upon furnishing bail bonds of Rs.



25,000/- (twenty five thousand) each with two sureties of the like amount each to the satisfaction of the 2nd Additional Sessions Judge-cum-Special Judge, Excise, Saran at Chapra, in connection with Baniyapur PS Case No. 123 of 2020, subject to the conditions (i) that one of the bailors shall be a close relative of the petitioner, (ii) that the petitioner and the bailors shall execute bond with regard to good behaviour of the petitioner, and (iii) that the petitioner shall also give an undertaking to the Court that he shall not indulge in any illegal/criminal activity, act in violation of any law/statutory provisions, tamper with the evidence or influence the witnesses. Any violation of the terms and conditions of the bonds or the undertaking shall lead to cancellation of his bail bonds. The petitioner shall co-operate in the case and be present before the Court on each and every date. Failure to cooperate or being absent on two consecutive dates, without sufficient cause, shall also lead to cancellation of his bail bonds.

8. The application stands disposed off in the aforementioned terms.

(Ahsanuddin Amanullah, J)

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